

Revised Civil Statutes of Texas, 1925, by changing the words 'four hundred' to 'two hundred' and providing that when a town or village may contain more than two hundred (200) and less than ten thousand (10,000) inhabitants, it may be incorporated as a town or village in the manner prescribed in Chapter 11, Title 28, of the Revised Civil Statutes of 1925, and any amendments thereto, and making this Act cumulative of all other laws, and providing that in the event of a conflict, the provisions of this Act shall prevail, and providing that this Act is severable; and declaring an emergency."

H. B. No. 241, A bill to be entitled "An Act authorizing the trustees of the Crosbyton Independent School District in Crosby County, Texas, to borrow money in a sum not to exceed Ten Thousand (\$10,000) Dollars for the purpose of supplementing money on hand with which to pay outstanding obligations and to refinance and liquidate outstanding and past due indebtedness of said district, and to issue interest-bearing time warrants therefor, without an election; prescribing the terms and conditions for the issuance of said time warrants; providing for the levying of a tax to pay same; prescribing the terms and conditions and the rate of interest of said time warrants; and declaring an emergency."

H. B. No. 250, A bill to be entitled "An Act to fix the minimum rate of tax to be levied for school purposes in the Crosbyton Independent School District in Crosby County, Texas, for the purpose of maintenance, payment of bonded indebtedness, and payment of such time warrants as may be legally authorized and issued by said district; and declaring an emergency."

S. C. R. No. 30, Authorizing the lending by the State Highway Department of discarded guard wire to any independent or common school district in the State of Texas.

#### Adjournment

Senator Lemens moved that the Senate adjourn until 10:00 o'clock a. m. next Monday.

Yeas and nays were demanded, and the roll was called on the motion to adjourn and the vote announced: Yeas 14, nays 14, one pair.

The President voted yea, and the motion to adjourn prevailed by the following vote:

#### Yeas—15

Mr. President	Lemens
Aikin	Martin
Beck	Moffett
Chadick	Moore
Fain	Stone
Graves	Sulak
Hill	Van Zandt
Isbell	

#### Nays—14

Brownlee	Metcalfe
Formby	Ramsey
Hazlewood	Smith
Kelley	Spears
Lanning	Vick
Lovelady	Winfield
Mauritz	York

#### Absent

Cotten

#### Paired

Senator Weinert (present), who would vote nay with Senator Shivers (absent), who would vote yea.

The Senate, accordingly, at 1:40 o'clock, p. m., adjourned until 10:00 o'clock a. m. Monday, March 10, 1941.

### THIRTY-SECOND DAY

(Monday, March 10, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

#### Absent—Excused

Spears

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 6, 1941, was dispensed with and the Journal was approved.

#### Leave of Absence Granted

Senator Spears was granted leave of absence for today and tomorrow, on account of important business, on motion of Senator Graves.

#### Reports of Standing Committees

Senator Beck submitted the following reports:

Austin, Texas,  
March 10, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 3, Providing that the Court of Criminal Appeals of Texas may sit at any time during the year.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BECK, Chairman.

Austin, Texas,  
March 10, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 5, Authorizing Legislature to appropriate not exceeding Five Hundred Thousand (\$500,000.00) Dollars, for five (5) years for the purpose of bringing tourists, immigrants and industries into the State.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BECK, Chairman.

#### Senate Bills on First Reading

The following bills were introduced, read severally first time and referred by the President to the committees indicated:

By Senator Moore:

S. B. No. 254, A bill to be entitled "An Act to authorize and regulate the

expenditures for public purposes from county funds of designated officers in counties having a population of more than five hundred thousand (500,000) inhabitants according to the last preceding or any future Federal Census, providing that this Act is cumulative of certain similar laws and does not repeal the same; and declaring an emergency."

To Committee on Counties and County Boundaries.

By Senator Stone:

S. B. No. 255, A bill to be entitled "An Act providing for a program of voluntary apprenticeship under approved apprentice agreements providing facilities for training and guidance in the arts and crafts of industry and trade, with parallel instruction in related and supplementary education; to promote employment opportunities for young people under conditions providing adequate training; to establish standards for apprentice training; to establish an Apprentice Council and local and State joint apprentice committees to assist in effectuating the purposes of this Act; to provide for a Director of Apprenticeship within the Bureau of Labor Statistics; to provide for reports to the Legislature and to the public regarding the status of apprentice training in the State; to establish a procedure for the determination of apprentice agreement controversies; and to accomplish related ends."

To Committee on Labor.

By Senator Spears:

S. B. No. 256, A bill to be entitled "An Act providing that in all sales of property, either real estate or personal property under foreclosure in suits for delinquent taxes, where the amount of judgment to be made out of such sale exclusive of all costs, is not over Five Hundred (\$500.00) Dollars, the notice required by law to be given by the sheriff or constable making such sale shall be posted at three public places in the county where such land is situated or where such personal property is located, one of such notices shall be posted at the courthouse door in such county; providing the form and substance of such notices; providing the period of time such notices shall be posted; providing that this Act shall be cumulative of all laws and parts of laws not in conflict herewith and repealing all

laws and parts of laws in conflict herewith; and declaring an emergency."

To Committee on State Affairs.

By Senator Spears:

S. B. No. 257, A bill to be entitled "An Act providing that the commissioners' court at any meeting may cancel the assessment of any ad valorem taxes by appropriate order made and entered in the minutes of said court where it is shown that the assessment is erroneous and collection cannot be enforced for any of the following reasons: (1) Defective or insufficient description of property, (2) Where such property in whole or in part appears to be doubly assessed for any year or years, (3) Where such property is not assessed in the name of the owner or owners, and (4) Where the evidence submitted to the commissioners' court shows that the assessment of any such property for any year or years is based on a value in excess of its fair cash market value; providing that the assessor-collector of taxes shall then re-assess such property as and in the manner prescribed by law; providing that all such cancellations shall be certified by the commissioners' court to the Comptroller of Public Accounts; providing that the provisions of this Act may be invoked by any city, school district, municipal corporation or taxing unit; providing that this Act shall be cumulative of all laws and parts of laws not in conflict with this Act, and that all laws and parts of laws in conflict herewith are repealed; and declaring an emergency."

To Committee on State Affairs.

By Senator Spears:

S. B. No. 258, A bill to be entitled "An Act to amend Article 2039, Revised Civil Statutes of Texas, 1925 Revision by adding to said Article as now written and providing that in all suits for delinquent taxes where the amount of taxes sued for exclusive of penalty and interest is not over Five Hundred (\$500.00) Dollars, such citation shall command the officer to summon the defendant by posting a copy of such citation or notice at the courthouse door in the county where such suit is pending for four consecutive weeks previous to the return day thereof; providing for officers' return; and declaring an emergency."

To Committee on State Affairs.

By Senator Spears:

S. B. No. 259, A bill to be entitled "An Act providing that the assessor-collector of taxes or collector of taxes of any county, city, school district or other taxing units, may file a certified statement of any ad valorem tax assessed on personal property at any time within two (2) years after such tax becomes due and not afterwards with the county clerk as chattel mortgages are filed; providing that such statement shall contain name of taxpayer to whom assessed, a description of the personal property, assessed value, amount of taxes owing, separately for each year and certified by such assessor-collector of taxes or collector of taxes to be correct according to the assessment records and tax rolls of such taxing unit and that same is filed to fix and preserve the superior lien on said described property securing payment of said taxes; providing that the county clerk shall file the same as chattel mortgages are filed, recorded and indexed in a book separate from other chattel mortgages; provided that such filing shall fix and preserve a first and superior lien on all said described property securing payment of said taxes; providing that all taxing units other than the State or any county shall pay for such filing, the fees prescribed by law for filing chattel mortgages; providing that after such taxes become delinquent, the assessor-collector of taxes or collector of taxes may enforce collection of such taxes by public sale of such property for cash; providing place of such sale and prescribing notice and method of giving notice; providing assessor-collector of taxes or collector of taxes shall make the bill of sale to purchaser; providing State or any taxing unit may become purchaser at such sale; providing the owner or anyone having interest in a lien on said property may redeem same by paying purchaser the sum paid at such sale plus twenty-five (25%) per cent of same and prescribing the time and method for redeeming; providing that the provisions of this Act shall be cumulative of all laws and parts of laws not in conflict herewith and that all laws and parts in conflict herewith are repealed; providing that if any provisions, sentence or part of sentence of this Act is declared unconstitutional, it is the declared intention of the Legislature that the re-

maining part shall continue in effect; and declaring an emergency."

To Committee on State Affairs.

By Senator Aikin:

S. B. No. 260, A bill to be entitled "An Act amending Article 4364 of the Revised Civil Statutes of 1925 of this State, as amended by H. B. No. 495, Chapter 243, Acts of the Regular Session of the Forty-second Legislature, relating to the system of bookkeeping, ledgers, and accounts as may be necessary to show the sources of the State's revenues and the purposes for which expenditures are made, and providing for a proper accounting control for the protection of the finances of the State, and establishing a uniform system of record-keeping on an encumbrance or allotment basis, and requiring all State departments, commissions, boards, divisions, institutions, agencies, and other units of the State Government to furnish such information as may be necessary to maintain appropriations on an encumbrance and/or allotment basis; and declaring an emergency."

To Committee on State Affairs.

By Senator Brownlee:

S. B. No. 261, A bill to be entitled "An Act amending Chapter 40 of the General Laws enacted by the Forty-second Legislature of Texas, at its Second Called Session, and all other laws pertaining thereto, and providing for the lease or development of oil and gas in river beds, which areas are embraced within the field notes of lands heretofore patented; except river beds within a distance of twenty-five (25) linear miles of the tide-water limits of the Gulf of Mexico and except river beds within the corporate limits of incorporated cities and towns of this State; and declaring an emergency."

To Committee on Public Lands and Land Office.

By Senator Martin (by request):

S. B. No. 262, A bill to be entitled "An Act authorizing independent school districts which heretofore have issued delinquent tax notes or certificates of indebtedness under the provisions of Chapter 16, passed at the Forty-sixth Legislature to issue negotiable bonds to refund such notes and certificates, and to levy a tax for payment of such bonds; providing that no such refunding bonds shall be

issued and no tax shall be levied therefor unless authorized by a majority vote at an election; enacting provisions with reference to the calling and holding of such election and with reference to the issuance of such bonds; requiring approval by the Attorney General, registration thereof by the Comptroller of Public Accounts and prescribing the effect thereof; validating such notes and certificates with the provision that such validation shall not apply to any notes or certificates, the validity of which shall have been attacked in any litigation pending at the time this Act becomes effective; enacting other provisions relating to such subject; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Shivers:

S. B. No. 263, A bill to be entitled "An Act amending Article 4629, Chapter 4, Revised Civil Statutes of 1925, to authorize the husband or wife to obtain a divorce where either spouse has been adjudged insane by a court of competent jurisdiction and has been confined in a public institution for insane for a term of not less than five (5) years, and authorizing the procedure therein; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Fain:

S. B. No. 264, A bill to be entitled "An Act making appropriations to cover payment of taxes due on prison lands in Montgomery County to the Midway Independent School District; and declaring an emergency."

To Committee on Finance.

By Senators Brownlee, Smith and Winfield:

S. B. No. 265, A bill to be entitled "An Act providing for the registration for exclusive use by owners of livestock in this State of brands, tattoo marks, and/or ear marks; providing for the administration of this Act through the Department of Public Safety; describing the procedure for the registration; providing for the filing of protests; providing for registration fees and the collection thereof; providing for the allocation of such fees to the expense of administering this Act; describing the method of granting or issuing of a certificate of

registration for the exclusive use of such registered brands, tattoo marks, and/or ear marks; providing for the annual renewal thereof; providing for the assignment thereof; fixing violations of this Act and providing penalties therefor; and declaring an emergency."

To Committee on Stock and Stock Raising.

#### Senate Resolution 56

Senator Mauritz offered the following resolution:

Whereas, The South Texas Debate Tournament was held in Yoakum on March 7th and 8th in which approximately one hundred teams representing the larger high schools in South Texas competed; and

Whereas, The subject was "Resolved, That Texas Should Increase the Tax on Natural Resources"; and

Whereas, These students have made an exhaustive study of this issue which is now confronting the Senate of Texas and have a complete compilation of facts and figures on the subject; and

Whereas, The winning teams will have all this information and are prepared to present the same in a most concise and able manner; and

Whereas, The Senate has an opportunity to encourage the youth of our State to continue their interest in economic and governmental problems; now, therefore, be it

Resolved, That the Senate of Texas extend an invitation to the winning boys' teams of this debating tournament to appear before the Senate on Tuesday, March 11th, between eleven and twelve o'clock and stage their final debate.

MAURITZ,  
SULAK.

The resolution was read, and by unanimous consent, it was considered at this time.

The resolution was adopted unanimously.

#### Senate Resolution 44

The President laid before the Senate for consideration at this time (the resolution having been reported favorably by the Committee on Penitentiaries):

S. R. No. 44, Relating to investigation of Texas Prison System.

The resolution was read.

Senator Fain offered the following amendment to the resolution:

Amend S. R. No. 44 by adding the following after the word "Accountant" in the second line of the last paragraph on page 2 thereof: "The Auditor."

The amendment was adopted.

The resolution as amended was adopted.

#### Senate Concurrent Resolution 26

The President laid before the Senate for consideration at this time:

S. C. R. No. 26, Authorizing the Highway Department to lend guard wire to McKenzie State Park.

The resolution was adopted.

#### Senate Resolution 57

(Honoring Tom Martin)

Senator Weinert offered the following resolution:

Whereas, Many states in the Union have from time to time honored its citizens for their various accomplishments; and

Whereas, The State of Oklahoma, as well as many other states often times honored its beloved Will Rogers for his timely philosophy and humor; and

Whereas, We have in Texas a humorist who is rapidly gaining fame as a radio star and a newspaper columnist; and

Whereas, He has been in great demand as a public speaker in this and other states; and

Whereas, He hails from the sage hills of Texas in and around Johnson City and which he has made famous by his A.J.'s Barber Shop philosophy; and

Whereas, On this tenth day of March, 1894, he was born at Kerrville, Texas, from which place he went to the World War and was decorated for gallantry in action; therefore, be it

Resolved by the Senate of Texas, That the honorary title of "The Sage of the Sage Hill" be conferred upon Tom Martin and that he be designated at "The Ambassador of Good Will" for the State of Texas, with the rank of "Honorary Colonel of the Good Will Regiment of Texas."

WEINERT,  
SMITH,  
BROWNLEE.

The resolution was read, and by unanimous consent, it was considered immediately and was adopted.

### Bills Signed

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills:

S. B. No. 136, A bill to be entitled "An Act amending S. B. No. 356 of the Regular Session of the Forty-first Legislature so as to make continuance of cases wherein a party or attorney is a member of the Legislature mandatory; and declaring an emergency."

H. B. No. 276, A bill to be entitled "An Act to prohibit the use in all lakes and streams situated in Nolan County, Texas, all certain devices for catching fish; to limit the size and number of fish to be caught; to prohibit the taking of any fresh-water fish during the months of February, March or April; providing the use of minnow seines of not more than twenty (20) feet in length for the purpose of taking minnows for bait; prohibiting persons other than the owner from entering upon or fishing from rafts, piers or boats; providing a penalty; and declaring an emergency."

### Presentation of Gavel to President

By unanimous consent, Senator Fain at this time presented to President Stevenson a gavel made at the Texas Prison System.

### Report of Standing Committee

Senator Ramsey, by unanimous consent, submitted at this time the following report:

Senate Chamber,  
Austin, Texas,  
March 10, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 254, A bill to be entitled "An Act to authorize and regulate the expenditures for public purposes from county funds of designated officers in counties having a population of more than five hundred thousand (500,000) inhabitants according to the last preceding or any future Federal Census, providing that this Act is

cumulative of certain similar laws and does not repeal the same; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

### House Bills and Joint Resolution on First Reading

The following House bills and resolution, previously received from the House, were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 90, to Committee on State Affairs.

H. B. No. 124, to Committee on Civil Jurisprudence.

H. B. No. 482, to Committee on Civil Jurisprudence.

H. B. No. 16, to Committee on Labor.

H. B. No. 17, to Committee on Finance.

H. B. No. 74, to Committee on Counties and County Boundaries.

H. B. No. 75, to Committee on Civil Jurisprudence.

H. B. No. 77, to Committee on Highways and Motor Traffic.

H. B. No. 78, to Committee on Civil Jurisprudence.

H. B. No. 233, to Committee on Finance.

H. J. R. No. 2, to Committee on Constitutional Amendments.

### House Concurrent Resolution 38

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended, to permit consideration of H. C. R. No. 38 at this time.

The President laid before the Senate for consideration at this time:

H. C. R. No. 38, Granting Miss Nora Mae Shuff permission to sue the State.

The resolution was read.

Senator Moore offered the following amendments to the resolution:

(1)

Amend H. C. R. No. 38 by striking out the last paragraph of such resolution.

(2)

Amend H. C. R. No. 38 by adding the following at the end of such resolution:

"However, it is to be understood that the purpose of this resolution is to grant permission to said William W. Shuff and Mrs. Surrilda Shuff to bring suit against the State of Texas, and no admission of liability of the State is made by this resolution and the facts as set out herein must be proved in court."

The amendments were adopted.

The resolution as amended was adopted.

#### Senate Concurrent Resolution 28

The President laid before the Senate for consideration at this time:

S. C. R. No. 28, Authorizing A. Kelly and W. E. Pendergrass to sue the State.

The resolution was read and was adopted.

#### Senate Bill 154 on Third Reading

The President laid the bill before the Senate on its third reading and final passage:

S. B. No. 154, A bill to be entitled "An Act amending Section 13, Chapter 465, General and Special Laws, Forty-fourth Legislature, Second Called Session, by adding thereto subsection (d), to allow the commissioners' courts in all counties of more than one hundred two thousand and one (102,001) and less than one hundred ten thousand (110,000) population, according to the last preceding Federal Census, to fix the salary of the county treasurer at any sum not less than Fifty (\$50.00) Dollars per month; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

The bill was read third time and was passed.

#### Senate Bill 11 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 11, A bill to be entitled "An Act providing for the licensing of certain insurance agents, providing for two classes of insurance agents; defining the two classes of insurance agents; defining 'local recording agents,' defining 'solicitor' providing

the manner in which a local recording agent shall make application to the Board of Insurance Commissioners for a license to operate, etc."

The bill was read second time.

On motion of Senator Martin, further consideration of the bill was postponed until tomorrow immediately after conclusion of the morning call.

#### Floral Offering

On motion of Senator Cotten and by unanimous consent, the Secretary of the Senate was authorized to send a floral offering to the funeral of Hon. R. M. Johnson, the expense thereof to be defrayed by the Members and Officers of the Senate.

#### House Bill 271 on Second Reading

Senator Aikin moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration by the Senate of H. B. No. 271 and S. B. No. 181 at any time during the remainder of the regular session of the Forty-seventh Legislature.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 271 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 271, A bill to be entitled "An Act making an appropriation for the support and maintenance of the Judiciary of the State of Texas for the biennium beginning September

1, 1941, and ending August 31, 1943; requiring certain fees paid to clerks or officers of all appellate courts to be deposited monthly in the State Treasury; prescribing certain rules and restrictions respecting the expenditures of appropriations made herein; suspending all laws in conflict herewith; declaring the invalidity of any portion of this Act shall not affect any other portion; and declaring an emergency."

The bill was read second time.

Senator Aikin offered the following amendments to the bill:

(1)

Amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Section 1. That the several sums of money herein specified, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, for the purposes herein indicated, for the two-year period beginning September 1, 1941, and ending August 31, 1943.

**COURT OF CIVIL APPEALS—FIRST DISTRICT  
GALVESTON**

		For the Years Ending	
		August 31, 1942	August 31, 1943
Salaries and Maintenance:			
1. Three Judges at \$6,500 per year (S) .....	\$	19,500.00	\$ 19,500.00
2. Clerk .....		3,780.00	3,780.00
3. Deputy Clerk or Stenographer .....		1,800.00	1,800.00
4. Deputy Clerk or Stenographer .....		1,500.00	1,500.00
5. Porter .....		720.00	720.00
6. Equipment, maintenance and contingent expenses .....		500.00	500.00
7. Books for library, transferable .....		500.00	500.00
Totals .....	\$	28,300.00	\$ 28,300.00

**COURT OF CIVIL APPEALS—SECOND DISTRICT  
FORT WORTH**

1. Three Judges at \$6,500 per year (S) .....	\$	19,500.00	\$ 19,500.00
2. Clerk .....		3,780.00	3,780.00
3. Deputy Clerk or Stenographer .....		1,800.00	1,800.00
4. Deputy Clerk or Stenographer .....		1,500.00	1,500.00
5. Porter .....		720.00	720.00
6. Equipment, maintenance and contingent expenses .....		500.00	500.00
7. Books for library, transferable .....		500.00	500.00
8. Book cases for library .....		300.00	
9. Vacuum cleaner .....		100.00	
Totals .....	\$	28,700.00	\$ 28,300.00

**COURT OF CIVIL APPEALS—THIRD DISTRICT  
AUSTIN**

Salaries and Maintenance:			
1. Three Judges at \$6,500 per year (S) .....	\$	19,500.00	\$ 19,500.00
2. Clerk .....		3,780.00	3,780.00
3. Deputy Clerk or Stenographer .....		1,800.00	1,800.00
4. Deputy Clerk or Stenographer .....		1,500.00	1,500.00
5. Porter .....		720.00	720.00
6. Equipment, maintenance and contingent expenses .....		600.00	600.00
7. Books for library, transferable .....		300.00	300.00
Totals .....	\$	28,200.00	\$ 28,200.00



COURT OF CIVIL APPEALS—FOURTH DISTRICT  
SAN ANTONIO

For the Years Ending  
August 31,      August 31,  
1942              1943

## Salaries and Maintenance:

1. Three Judges at \$6,500 per year (S) .....	\$ 19,500.00	\$ 19,500.00
2. Clerk .....	3,780.00	3,780.00
3. Deputy Clerk or Stenographer .....	1,800.00	1,800.00
4. Deputy Clerk or Stenographer .....	1,500.00	1,500.00
5. Porter .....	720.00	720.00
6. Equipment, maintenance and contingent expenses .....	500.00	500.00
7. Books for library, transferable .....	500.00	500.00
Totals .....	\$ 28,300.00	\$ 28,300.00

COURT OF CIVIL APPEALS—FIFTH DISTRICT  
DALLAS

## Salaries and Maintenance:

1. Three Judges at \$6,500 per year (S) .....	\$ 19,500.00	\$ 19,500.00
2. Clerk .....	3,780.00	3,780.00
3. Deputy Clerk or Stenographer .....	1,800.00	1,800.00
4. Deputy Clerk or Stenographer .....	1,500.00	1,500.00
5. Porter .....	720.00	720.00
6. Equipment, maintenance and contingent expenses .....	500.00	500.00
7. Books for library, transferable .....	500.00	500.00
Totals .....	\$ 28,300.00	\$ 28,300.00

COURT OF CIVIL APPEALS—SIXTH DISTRICT  
TEXARKANA

## Salaries and Maintenance:

1. Three Judges at \$6,500 per year (S) .....	\$ 19,500.00	\$ 19,500.00
2. Clerk .....	3,780.00	3,780.00
3. Deputy Clerk or Stenographer .....	1,800.00	1,800.00
4. Deputy Clerk or Stenographer .....	1,500.00	1,500.00
5. Porter .....	720.00	720.00
6. Equipment, maintenance and contingent expenses .....	500.00	500.00
7. Books for library, transferable .....	500.00	500.00
Totals .....	\$ 28,300.00	\$ 28,300.00

COURT OF CIVIL APPEALS—SEVENTH DISTRICT  
AMARILLO

## Salaries and Maintenance:

1. Three Judges at \$6,500 per year (S) .....	\$ 19,500.00	\$ 19,500.00
2. Clerk .....	3,780.00	3,780.00
3. Deputy Clerk or Stenographer .....	1,800.00	1,800.00
4. Deputy Clerk or Stenographer .....	1,500.00	1,500.00
5. Porter .....	750.00	750.00
6. Equipment, maintenance and contingent expenses .....	500.00	500.00
7. Books for library, transferable .....	500.00	500.00
Totals .....	\$ 28,330.00	\$ 28,330.00

COURT OF CIVIL APPEALS—EIGHTH DISTRICT  
EL PASO

		For the Years Ending	
		August 31, 1942	August 31, 1943
Salaries and Maintenance:			
1.	Three Judges at \$6,500 per year (S) .....	\$ 19,500.00	\$ 19,500.00
2.	Clerk .....	3,780.00	3,780.00
3.	Deputy Clerk or Stenographer .....	1,800.00	1,800.00
4.	Deputy Clerk or Stenographer .....	1,500.00	1,500.00
5.	Porter .....	750.00	750.00
6.	Equipment, maintenance and contingent expenses .....	500.00	500.00
7.	Books for library, transferable .....	500.00	500.00
Totals .....		\$ 28,330.00	\$ 28,330.00

COURT OF CIVIL APPEALS—NINTH DISTRICT  
BEAUMONT

Salaries and Maintenance:			
1.	Three Judges at \$6,500 per year (S) .....	\$ 19,500.00	\$ 19,500.00
2.	Clerk .....	3,780.00	3,780.00
3.	Deputy Clerk or Stenographer .....	1,800.00	1,800.00
4.	Deputy Clerk or Stenographer .....	1,500.00	1,500.00
5.	Porter .....	720.00	720.00
6.	Equipment, maintenance and contingent expenses .....	500.00	500.00
7.	Books for library, transferable .....	500.00	500.00
Totals .....		\$ 28,300.00	\$ 28,300.00

COURT OF CIVIL APPEALS—TENTH DISTRICT  
WACO

Salaries and Maintenance:			
1.	Three Judges at \$6,500 per year (S) .....	\$ 19,500.00	\$ 19,500.00
2.	Clerk .....	3,780.00	3,780.00
3.	Deputy Clerk or Stenographer .....	1,800.00	1,800.00
4.	Deputy Clerk or Stenographer .....	1,500.00	1,500.00
5.	Porter .....	720.00	720.00
6.	Equipment, maintenance and contingent expenses .....	500.00	500.00
7.	Books for library, transferable .....	500.00	500.00
Totals .....		\$ 28,300.00	\$ 28,300.00

COURT OF CIVIL APPEALS—ELEVENTH DISTRICT  
EASTLAND

Salaries and Maintenance:			
1.	Three Judges at \$6,500 per year (S) .....	\$ 19,500.00	\$ 19,500.00
2.	Clerk .....	3,780.00	3,780.00
3.	Deputy Clerk or Stenographer .....	1,800.00	1,800.00
4.	Deputy Clerk or Stenographer .....	1,500.00	1,500.00
5.	Porter .....	720.00	720.00
6.	Equipment, maintenance and contingent expenses .....	500.00	500.00
7.	Books for library, transferable .....	500.00	500.00
Totals .....		\$ 28,300.00	\$ 28,300.00

SUPREME COURT OF TEXAS  
AND COMMISSION OF APPEALS  
SECTIONS "A" AND "B"

For the Years Ending  
August 31,      August 31,  
1942              1943

## Salaries and Maintenance:

1. Three Judges of Supreme Court at \$8,000 per year (S) .....	\$ 24,000.00	\$ 24,000.00
2. Six Judges of Commission of Appeals at \$7,500 per year (S) .....	45,000.00	45,000.00
3. Clerk of Supreme Court, including services for Commission of Appeals .....	5,000.00	5,000.00
4. Reporter .....	3,300.00	3,300.00
5. Briefing Clerk .....	2,880.00	2,880.00
6. Briefing Clerk .....	2,520.00	2,520.00
7. ....		
8. ....		
9. Law Clerk-secretary to the Supreme Court .....	2,250.00	2,250.00
10. Law clerk-secretary to the Supreme Court .....	2,250.00	2,250.00
11. Law clerk-secretary to the Commission of Appeals .....	1,800.00	1,800.00
12. Law clerk-secretary to the Commission of Appeals .....	1,800.00	1,800.00
13. Law clerk-secretary to the Commission of Appeals .....	1,800.00	1,800.00
14. Law clerk-secretary to the Commission of Appeals .....	1,800.00	1,800.00
15. Marshall and assistant librarian .....	1,800.00	1,800.00
16. Porter for clerk's office .....	720.00	720.00
17. Deputy clerk and secretary to Board of Legal Examiners .....	2,880.00	2,880.00
18. Chief deputy clerk ("chief" added) .....	2,880.00	2,880.00
19. Deputy clerk .....	2,520.00	2,520.00
20. Deputy clerk .....	2,520.00	2,520.00
21. Deputy clerk and assistant to Board of Legal Examiners .....	2,100.00	2,100.00
22. Porter .....	720.00	720.00
23. Porter .....	720.00	720.00
24. Printing, postage, express, record books, rebinding, repairs, furniture, equipment, cases, law books for Supreme Court library and contingent expenses .....	7,500.00	7,500.00
Totals, Supreme Court and Commission of Appeals .....	\$ 118,760.00	\$ 118,760.00

COURT OF CRIMINAL APPEALS AND COMMISSION  
IN AID OF COURT OF CRIMINAL APPEALS

## Salaries and Maintenance:

1. Three Judges at \$8,000 per year (S) .....	\$ 24,000.00	\$ 24,000.00
2. Two Judges of Commission in aid of Court of Criminal Appeals at \$7,500 per year (S) .....	15,000.00	15,000.00
3. Clerk .....	4,350.00	4,350.00
4. Bailiff-secretary .....	2,250.00	2,250.00
5. Secretary (was "briefing clerk") .....	2,250.00	2,250.00
6. Secretary (was "briefing clerk") .....	2,250.00	2,250.00
7. Law clerk-secretary .....	1,960.00	1,960.00
8. Law clerk-secretary .....	1,960.00	1,960.00
9. Court Reporter .....	3,800.00	3,800.00

		For the Years Ending	
		August 31, 1942	August 31, 1943
10.	Secretary-clerk for reporter .....	1,800.00	1,800.00
11.	Porter-file clerk .....	720.00	720.00
12.	Equipment, books, maintenance, and contingent expenses .....	2,000.00	2,000.00
13.	Painting, floor covering and repairs—judges' offices, court room and clerk's office .....	8,000.00	
Totals, Court of Criminal Appeals and Commission in aid of Court of Criminal Appeals .....		\$ 70,340.00	\$ 62,340.00

#### STATE PROSECUTING ATTORNEY BEFORE COURT OF CRIMINAL APPEALS

##### Salaries and Maintenance:

1.	Attorney (S) .....	\$ 6,000.00	\$ 6,000.00
2.	Clerk-secretary .....	2,100.00	2,100.00
3.	Books, telephone, postage, box rent, furniture, supplies, equipment and contingent expenses .....	1,000.00	1,000.00
Totals, State's Attorney .....		\$ 9,100.00	\$ 9,100.00

#### JUDICIARY SECTION—COMPTROLLER'S DEPARTMENT

1.	Salaries of 129 district judges and criminal district judges at \$5,000.00 per year (S) .....	\$ 645,000.00	\$ 645,000.00
2.	Salaries, including the \$500 Constitutional allowance of 52 district attorneys at \$4,000 per year (as per Chapter 442, Acts Second Called Session, Forty-fourth Legislature .....	208,000.00	208,000.00
3.	Salary of criminal district attorney in districts composed of two or more counties (Section 18, Chapter 465, Forty-fourth Legislature .....	4,500.00	4,500.00
4.	Salary of district attorney of Thirty-fourth District (El Paso) .....	5,500.00	5,500.00
5.	Salary of assistant district attorney of Thirty-fourth District (El Paso) .....	2,700.00	2,700.00
6.	Salary of assistant district attorney of Fifty-third District (Travis County) ..	3,000.00	3,000.00
7.	Salary of assistant district attorney of Fifty-third District (Travis County)...	2,700.00	2,700.00
8.	Salary of assistant district attorney of Special Ninth District (H. B. No. 142, First Called Session of Forty-third Legislature .....	2,750.00	2,750.00
9.	Salary of one assistant district attorney or one investigator in Forty-ninth District .....	1,800.00	1,800.00
10.	Compensation of one assistant district attorney or one special investigator for each of the following Judicial Districts; Thirtieth and Seventy-second; at \$1,800 per year .....	3,600.00	3,600.00

		For the Years Ending	
		August 31, 1942	August 31, 1943
11.	Salary of assistant district attorney in Forty-seventh district .....	2,510.00	2,510.00
12.	Salary of assistant district attorney of Twenty-second District (per Article 326K-3, Revised Civil Statutes of Texas, 1925) .....	3,600.00	3,600.00
13.	District judges' and district attorneys' expenses in districts composed of two or more counties (per Article 6820, Revised Civil Statutes of Texas, 1925)....	47,600.00	47,600.00
14.	Special district judges' salaries and regular district judges' expenses when holding Court out of their district .....	7,500.00	7,500.00
15.	Transcript fees to official court reporters for narrative statement of facts and/or in cases where Court is required and does appoint attorney to represent defendant in criminal action, and when official reporter is required and does furnish defendant's attorney with transcript of his notes as is provided by law .....	1,500.00	1,500.00
16.	Fees and cost of officials in cases of escheated estates, including accrued fees..	50.00	50.00
17.	Fees and cost of sheriffs, attorneys and clerks in felony cases, and fees of county judges, county attorneys, justices of peace, sheriffs and constables in examining trials where indictments are returned .....	195,000.00	195,000.00
18.	Apportionment to counties at 10 cents per capita where county officers are paid salaries (per Chapter 465, Section 6a, Second Called Session, Acts Forty-fourth Legislature) .....	486,677.60	486,677.60
19.	Apportionments to counties where county officers are paid salaries and where there is a criminal district attorney or county attorney performing the duties of district attorney (for 33 counties in 1940, per Subsection B, Section 13, Chapter 465, Acts Forty-fourth Legislature .....	146,429.00	146,429.00
20.	Expenses of attached witnesses, witness fees, and mileage allowed witnesses in felony cases where the witness lives outside the county where the case is being tried .....	160,000.0	160,000.00
21.	Special judges of Supreme Court, Court of Criminal Appeals and Civil Appeals where regular Judges are disqualified and where special judges are appointed; per diem to be same as regular district judge receives .....	1,200.00	1,200.00
22.	Expenses of Civil Judicial Council (per Senate Bill 52, First Called Session, Forty-first Legislature .....	1,350.00	1,350.00

	For the Years Ending	
	August 31, 1942	August 31, 1943
23. Traveling expenses of judges of Courts of Civil Appeals when sitting in other districts .....	1,500.00	1,500.00
Totals, Judiciary Section of State Comptroller .....	\$ 1,934,466.60	\$ 1,934,466.60

## RECAPITULATION — JUDICIARY BUDGET

Court of Civil Appeals — First District, Galveston .....	\$ 28,300.00	\$ 28,300.00
Court of Civil Appeals — Second District, Fort Worth .....	28,700.00	28,300.00
Court of Civil Appeals — Third District, Austin .....	28,200.00	28,200.00
Court of Civil Appeals — Fourth District, San Antonio .....	28,300.00	28,300.00
Court of Civil Appeals — Fifth District, Dallas .....	28,300.00	28,300.00
Court of Civil Appeals — Sixth District, Texarkana .....	28,300.00	28,300.00
Court of Civil Appeals — Seventh District, Amarillo .....	28,330.00	28,330.00
Court of Civil Appeals — Eighth District, El Paso .....	28,330.00	28,330.00
Court of Civil Appeals — Ninth District, Beaumont .....	28,300.00	28,300.00
Court of Civil Appeals — Tenth District, Waco .....	28,300.00	28,300.00
Court of Civil Appeals — Eleventh District, Eastland .....	28,300.00	28,300.00
Supreme Court and Supreme Court Commission of Appeals .....	118,760.00	118,760.00
Court of Criminal Appeals and Commission in Aid of Court of Criminal Appeals .....	70,340.00	62,340.00
State Prosecuting Attorney before Court of Criminal Appeals .....	9,100.00	9,100.00
Judiciary Section — Comptroller's Department .....	1,934,466.60	1,934,466.60
Combined Grand Total—Judiciary....	\$ 2,444,326.60	\$ 2,435,926.60

## GENERAL PROVISIONS — JUDICIARY

Sec. 2. All amounts appropriated in this Act for law books, or expended therefor under authority of this Act, shall be paid out of the General Fund and the special accounts in the General Revenue Fund as hereinafter provided. In accordance with the provisions of Chapter 104 of the printed General Laws of the Regular Session of the Forty-fourth Legislature, the several Courts of Civil Appeals are hereby authorized to purchase additional law books out of their local receipts, and there is hereby appropriated to each of said Courts for such purposes for each of the fiscal years ending August 31, 1942, and August 31, 1943, the sum of Seven Hundred Dollars (\$700) out of their local receipts in addition to the specific amounts herein appropriated for library books for said Courts; provided further, and in accordance with said law that any of said Courts of Civil Appeals receiving a specific appropriation of less than Seven Hundred Dollars (\$700) per year for library books shall not expend from said local receipts more than the said specific amount herein appropriated.

Sec. 3. All fees paid to any Court for which appropriations are made herein or to any of the clerks, officers, or employees of any such Court, whether such fees are for official or unofficial copies of opinions, carbon copies, or for other services or documents shall be deposited at the close of each month in the General Fund of the State Treasury and shall be carried as a special account in said fund for the Court depositing same, and none of such fees shall be retained by or paid to said clerks, officers, or employees. Each Court employee whose salary is provided herein, except porters, shall file, with such Court monthly pay roll, with the Comptroller at the end of each month an affidavit showing that he has not retained any compensation out of any Court fees or other fees received by him of the Court during the previous month and showing that all such fees have been deposited in the State Treasury. The Comptroller shall not issue a warrant in payment of the salary of any such employee for any month unless and until the affidavit required herein has been filed for said previous month.

Sec. 4. (a). Appropriations made in this Act are intended to be, and shall be, construed as being the maximum sums, respectively, except the extra amounts for library books herein provided, which may be used in any way for the purpose or object named in the Act, and obligations shall not be incurred in any case which, when the amount thereof added to expenditures actually made, will exceed such maximum sum; and no surplus shall be diverted from one appropriation to another, except transfers or adjustments may be made as between appropriated amounts for books, equipment, maintenance, and contingent items.

(b). All printing and stationery shall be purchased through the Board of Control and shall be confined to such articles and qualities as selected and contracted for by the Board of Control.

(c). No account against any items of witness fees, County Attorneys', Justices' of Peace, Sheriffs', and Constables' fees, and cost of Sheriffs, Attorneys, and Clerks in felony cases, shall be binding as an obligation against the State of Texas, until such account shall have been examined, audited, and approved by the State Comptroller, and no such account shall be paid by the State Treasurer until the same has been approved by the Comptroller.

(d). It shall be the duty of each of the Appellate Courts and judicial agencies of the State annually, and within sixty (60) days after the close of the State's fiscal year, to make a sworn statement to the Governor and the Board of Control of all amounts received and/or expended by said Court and/or agency. A report from each Court shall be filed annually for the calendar year with the Governor, and a copy thereof with the State Board of Control, showing the total number of cases filed in each Court during the year, the number of cases transferred to and from such Court, the number of cases disposed of with proper divisional classification as to total number of cases similarly disposed of, that is, by dismissal, final judgment, reversal, affirmance and any other statistical data which may be required by the Governor or the State Board of Control.

(e). Annual salaries provided for herein shall be paid in twelve (12) equal monthly installments.

(f). No funds appropriated in this Act shall be used to pay any expense of traveling outside the boundaries of the State of Texas except for returning fugitives on trips authorized by the Governor, and the actual expense of the State's Attorney when it is necessary that he appear before any court in behalf of the State of Texas, or for payment (or reimburse for payment) of any tip or gratuity whatsoever.

Sec. 5. Each officer, agent, or employee of a Court named in this Act and entitled to be paid a salary or other compensation out of any appropriation above made shall be paid by warrant and/or check issued in his or her name and specifically showing the amount of salary or sum due and the services for which the payment is being made (with date or dates and place or places of performance of such services) such warrant

and/or check to be endorsed, before payment thereof, by such officer, agent, or employee.

The following rules shall be observed by all officers and employees in rendering expense accounts before any expense account shall be paid from appropriations herein made for "Traveling Expenses" for employees, Judges, or officers:

There must be a concise statement of the duties performed and the points from and to which the employee, Judge, or officer travels, the hour of arrival at and departure from the designated post of duty, and the mode or modes of conveyance.

The name of each hotel, restaurant, boarding or rooming house at which meals and lodgings are procured shall be given in every case. Fees, as tips to waiters on dining cars, or at hotels or restaurants or otherwise shall not be approved.

The use of railroad scrip books and other forms of transportation provided at the expense of the State are hereby prohibited, and hereafter all railroad and other transportation shall be paid in cash and properly listed in expense accounts rendered. Tax exemption certificates shall be used in all cases where the State is exempt from the payment of Government tax under Federal Provision.

The State Comptroller shall be governed accordingly in the issuance of warrants covering payment for railroad scrip books and other forms of transportation.

Unless otherwise specifically provided by the statutes, it is provided that any officer or employee who travels on official State business and who uses his own car while so doing shall be reimbursed for the use of said car on the basis of the total mileage traveled during any calendar month at the following rate: Five cents (5c) a mile for the first thousand miles traveled, four cents (4c) a mile for the second thousand miles traveled, three cents (3c) a mile for the third thousand miles traveled and two cents (2c) a mile for each mile traveled in excess of three thousand miles.

Money appropriated above for stamps or postage shall be expended only upon warrants made payable to a postmaster and endorsed by such postmaster or his deputy or authorized clerk.

That portion of every appropriation out of State funds or local receipts made herein which is unexpended at the close of the fiscal year for which the appropriation is made shall immediately revert to and become a part of the General Revenue Fund. It is hereby provided that the word "unexpended" as used in this Act means "not disbursed nor contracted to be disbursed."

Sec. 6. All laws and parts of laws in conflict herewith are expressly suspended for the period of the biennium for which this appropriation is made.

Sec. 7. If any section, sentence, clause, or part of this Act shall, for any reason, be held to be invalid, such decision shall not effect the remaining portions of this Act, and it is hereby declared to be the intention of the Legislature to have passed each sentence, section, clause, or part thereof, irrespective of the fact that any other sentence, section, clause, or part thereof may be declared invalid.

Sec. 8. The fact that the above and foregoing is one of the regular appropriation bills to pay the salaries, support, maintenance, and operation of the Judiciary and other important agencies of the State for the two (2) fiscal years beginning September 1, 1941, and ending August 31, 1943, and the crowded condition of the calendar of the two Houses of the Legislature, create an emergency and an imperative public necessity, requiring the constitutional rule that bills be read on three several days be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.



(2)

Amend the caption of the bill to read as follows:

A bill to be entitled

"An Act making an appropriation for the support and maintenance of the Judiciary of the State of Texas for the biennium beginning September 1, 1941, and ending August 31, 1943; requiring certain fees paid to clerks or officers of all appellate courts to be deposited monthly in the State Treasury; prescribing certain rules and restrictions respecting the expenditures of appropriations made herein; suspending all laws in conflict herewith; declaring the invalidity of any portion of this Act shall not affect any other portion; and declaring an emergency."

Senator Aikin offered the following amendment to amendment (1)

Amend amendment (1), page 3, line 7, by striking out the word "transferable" and the figure "\$500.00," and inserting in lieu thereof the figure "\$1,002.00."

The amendment to the amendment (1) was adopted.

Senator Winfield offered the following amendment to the amendment (1):

Amend substitute for H. B. No. 271 by adding after the section appropriating funds for the 8th Court of Civil Appeals, the following: "To purchase necessary books for the Law Library . . . \$400.00."

The amendment to the amendment (1) was adopted.

Senator Beck offered the following amendments to the amendment (1):

(1)

Amend S. B. No. 181, page two, line 35, by striking out the figures "\$3,780.00" and inserting in lieu thereof the figures "\$3,480.00."

(2)

Amend S. B. No. 181, page two, line 36, by striking out the figures "\$1,800.00" and inserting in lieu thereof the figures "\$2,100.00."

The amendments to the amendment (1) were adopted severally.

Senator Formby offered the following amendment to the amendment (1):

Amend the amendment, line 42, page 5, by striking out the amount "1,800.00" per year and inserting "2,100.00" per year, to apply to 72nd District.

Senator Aikin moved to table the amendment to the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—6

Aikin	Shivers
Isbell	Van Zandt
Moore	Weinert

Nays—22

Brownlee	Lovelady
Chadick	Martin
Cotten	Mauritz
Fain	Metcalf
Formby	Moffett
Graves	Ramsey
Hazlewood	Smith
Hill	Stone
Kelley	Sulak
Lanning	Winfield
Lemens	York

Absent

Beck	Vick
------	------

Absent—Excused

Spears

Question recurring on the amendment to the amendment (1), yeas and nays were demanded.

The amendment to the amendment was adopted by the following vote:

Yeas—17

Chadick	Martin
Fain	Mauritz
Formby	Metcalf
Graves	Moffett
Hazlewood	Ramsey
Hill	Smith
Kelley	Stone
Lanning	Winfield
Lemens	

Nays—12

Aikin	Moore
Beck	Shivers
Brownlee	Sulak
Cotten	Van Zandt
Isbell	Weinert
Lovelady	York

Absent

Vick

Absent—Excused

Spears

Senator Hill offered the following amendment to the amendment (1):

Amend H. B. No. 271, item 4 in with appropriation for each of the courts of civil appeals, (being the salaries of the deputy clerks or stenographers) so that the salary for each shall be as follows: "\$1,620.00" and "\$1,620.00", and correct the totals accordingly.

Yeas and nays were demanded and the amendment to the amendment (1) was lost by the following vote:

## Yeas—4

Formby	Hill
Hazlewood	Kelley

## Nays—26

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Chadick	Ramsey
Cotten	Shivers
Fain	Smith
Graves	Stone
Isbell	Sulak
Lanning	Van Zandt
Lemens	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

## Absent—Excused

## Spears

Senator Martin offered the following amendment to the amendment (1):

Amend amendment (1) by striking out "item 7" appearing in line No. 48, page 1 of printed bill and insert in lieu thereof the following item 7:

"7. Books for library \$1,500.00 transferable."

Yeas and nays were demanded, and the amendment to the amendment (1) was adopted by the following vote:

## Yeas—23

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Vick
Kelley	Winfield
Lanning	York
Lemens	

## Nays—6

Cotten	Moore
Hill	Sulak
Lovelady	Weinert

## Present—Not Voting

Van Zandt

## Absent—Excused

## Spears

Senator Van Zandt offered the following amendment to the bill:

Amend S. B. No. 181, Section 1, line 44, page 5, by adding after the words "Forty-seventh District" the words "Sixth District, Fifteenth District, and Fifty-ninth District" and changing the totals to conform.

Pending consideration of the amendment to the amendment (1), President Pro Tempore Cotten occupied the Chair temporarily.

Senator Van Zandt withdrew the amendment to the amendment (1).

## Motion to Adjourn

Senator Lemens moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion was lost by the following vote:

## Yeas—9

Beck	Martin
Brownlee	Moffett
Chadick	Ramsey
Isbell	Vick
Lemens	

## Nays—21

Aikin	Metcalf
Cotten	Moore
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Kelley	Weinert
Lanning	Winfield
Lovelady	York
Mauritz	

## Absent—Excused

## Spears

Senator Lovelady offered the following amendment to the amendment (1):

Amend amendment (1) by striking out "all assistant district attorneys"

wherever the item appears in the bill—except wherein it applies to Travis County.

Senator Moore moved the previous question on the amendment to the amendment (1), and the main question was ordered.

The amendment to the amendment (1) was adopted by the following vote:

## Yeas—16

Aikin	Mauritz
Beck	Moore
Chadick	Ramsey
Cotten	Shivers
Graves	Smith
Hill	Sulak
Lemens	Van Zandt
Lovelady	York

## Nays—14

Brownlee	Martin
Fain	Metcalf
Formby	Moffett
Hazlewood	Stone
Isbell	Vick
Kelley	Weinert
Lanning	Winfield

## Absent—Excused

Spears

Senator Van Zandt moved to reconsider the vote by which the amendment to the amendment (1) was adopted.

On motion of Senator Cotten, the motion to reconsider was tabled.

Senator Shivers moved the previous question on the amendments (1) and (2) as amended and the passage of the bill to third reading and the main question was ordered.

Question—Shall the amendment (1) as amended be adopted?

## Motions to Adjourn

Senator Martin moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion was lost by the following vote:

## Yeas—15

Beck	Martin
Brownlee	Metcalf
Chadick	Moffett
Fain	Stone
Formby	Vick
Hazlewood	Winfield
Kelley	York
Lemens	

## Nays—15

Aikin	Moore
Cotten	Ramsey
Graves	Shivers
Hill	Smith
Isbell	Sulak
Lanning	Van Zandt
Lovelady	Weinert
Mauritz	

## Absent—Excused

Spears

Senator Moffett was recognized to address the Senate on the pending question.

Pending Senator Moffett's address, he was permitted to yield for a motion to adjourn.

Senator Winfield moved that the Senate adjourn until 10:01 o'clock a. m. tomorrow.

Senator Shivers raised the point of order: That Senator Moffett would not necessarily be entitled to the floor under the rules of the Senate when consideration of the pending bill (H. B. No. 271) is resumed by the Senate.

The President overruled the point of order.

## Adjournment

Question recurring on the motion to adjourn, yeas and nays were demanded.

The motion prevailed by the following vote:

## Yeas—18

Beck	Metcalf
Brownlee	Moffett
Chadick	Ramsey
Fain	Stone
Formby	Sulak
Hazlewood	Vick
Kelley	Weinert
Lemens	Winfield
Martin	York

## Nays—12

Aikin	Lovelady
Cotten	Mauritz
Graves	Moore
Hill	Shivers
Isbell	Smith
Lanning	Van Zandt

## Absent—Excused

Spears

The Senate, accordingly, at 12:55 o'clock p. m., adjourned until 10:01 o'clock a. m. tomorrow.

In Memory of  
**Hon. Claude D. Teer**

---

Senator Hill offered the following resolution:

(Senate Resolution 55)

Whereas, The Honorable Claude D. Teer, passed to the Great Beyond on August 28, 1939, in the City of San Antonio, Texas, having attained the age of fifty-seven years; and

Whereas, The Honorable Claude D. Teer was a member of the Thirty-sixth, Thirty-seventh, Thirty-eighth, Thirty-ninth, and Fortieth Legislatures, as Representative from Williamson County, from 1919 to 1928, inclusive, and in such capacity served this State with great distinction and integrity, and was instrumental in the passage of considerable meritorious legislation; and

Whereas, The Honorable Claude D. Teer in his varied political career had served as Justice of the Peace at Granger, Texas; as secretary of the Highway Commission in 1928; and finally as a member of the Board of Control from January, 1929, when he was appointed thereto by Governor Dan Moody, and of which he later became Chairman, until the time of his demise; and

Whereas, In all the above enumerated positions he devoted his entire energies to service of the people; and

Whereas, He was a native of the great State of Arkansas, but was brought to Williamson County, Texas, by his parents at the age of four, and lived therein at the town of Granger, being educated in its public schools until he reached his maturity and adopted Texas for his home; and

Whereas, The Honorable Claude D. Teer was one of those men of whom the poet Holland wrote:

"Tall men, sun crowned,  
Who live above the fog  
In public duty and private thinking."

This aptly describes Claude D. Teer; and

Whereas, Claude D. Teer was a man of unimpeachable honesty, well versed in public affairs, affable in manner, and a friendly counselor to all; and

Whereas, Texas has lost an eminent statesman, a devoted adherent to the cause of democracy and service of his fellow man, and the masses of the Lone Star State have lost a true friend; and

Whereas, The Honorable Claude D. Teer is survived by his wife, Mrs. Clara Wayman Teer of Austin; a daughter, Mrs. Anna Faye Peterson of Austin; his mother, Mrs. J. S. Teer of Granger; and the following brothers and sisters: Miss Anna and Miss Ethel Teer

and John F. Teer of Granger, Mrs. Coleman Cook of Austin, Mrs. J. T. Dewberry of Tulsa, Oklahoma, Lewis Teer of Belton, and Walter F. Teer of Indianapolis; and two brothers-in-law, Judge James W. Wayman of Galveston and Cullen Wayman of Austin; now, therefore, be it

Resolved, That the Senate does declare that it mourns the loss of this splendid citizen and brother; and be it further

Resolved, That this resolution be printed in the Senate Journal as a testimonial to his memory and for the distinguished service he performed as a public servant for the State of Texas; that a copy be mailed to the above-mentioned relatives of the deceased, Claude D. Teer; and that when the Senate adjourns for the day that it do so in honor of his memory.

COTTEN,  
HILL.

Signed.—Aikin, Beck, Brownlee, Chadick, Cotten, Fain, Formby, Graves, Hazlewood, Hill, Isbell, Kelley, Lanning, Lemens, Lovelady, Martin, Mauritz, Metcalfe, Moffett, Moore, Ramsey, Shivers, Smith, Spears, Stone, Sulak, Van Zandt, Vick, Weinert, Winfield and York.

The resolution was read.

On motion of Senator Aikin, the names of all Senators were added to the resolution as signers thereof.

The resolution was adopted unanimously.